

KAVANAGH MALONEY & OSNATO LLP  
Attorneys for Defendants  
415 Madison Avenue  
New York, N.Y. 10017  
212-207-8400

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

KAT HOUSE PRODUCTIONS, LLC d/b/a SURF  
CHICK, KATHLEEN MERRICK, PATRICIA J.  
WAGNER and AURORA CONTRERAS,

[ECF]

07 CIV 9700(BSJ)(MHD)

Plaintiffs,

-against-

**NOTICE OF MOTION  
TO DISMISS THE ACTION**

PAUL, HASTINGS, JANOFSKY & WALKER, LLP,  
REBECCA KELDER MYERS, KATHERINE CHANG  
and CATHERINE M. CLAYTON,

Defendants.

-----x

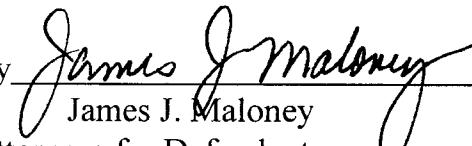
PLEASE TAKE NOTICE that upon the Affidavit of David F. Bayne, Esq., sworn to April 9, 2008, the Declaration of Eve M. Coddon, dated January 16, 2008 and the Exhibits thereto, including the Amended Verified Complaint annexed thereto as Exhibit B, the Memorandum of Law, dated April 9, 2008 submitted herewith, and upon all the prior pleadings and proceedings had herein, Defendant Katherine Chang, by her undersigned counsel, will move this Court before the Honorable Barbara S. Jones at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and (6) dismissing the action against her on the grounds that

this Court lacks subject matter jurisdiction over the action, and, in the alternative, for failure to state a claim upon which relief can be granted against Defendant Chang.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Rule 6.1(b) of the Local Civil Rules of the Southern and Eastern Districts of New York, answering affidavits and memoranda, if any, must be served upon and received by the undersigned no later than April 25, 2008.

Dated: New York, N.Y.  
April 9, 2008

KAVANAGH MALONEY & OSNATO LLP

By   
James J. Maloney  
Attorneys for Defendants  
415 Madison Avenue  
New York, N.Y. 10017  
212-207-8400

TO:

EGAN & GOLDEN LLP  
Brian T. Egan, Esq.  
475 East Main Street, Suite 114  
Patchogue, NY 11772  
Attorneys for Plaintiffs  
631-447-8100

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
ss.:  
COUNTY OF NEW YORK)

The undersigned, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at 81  
Metropolitan Oval, Bronx, NY.

That on April 9, 2008 deponent served the annexed

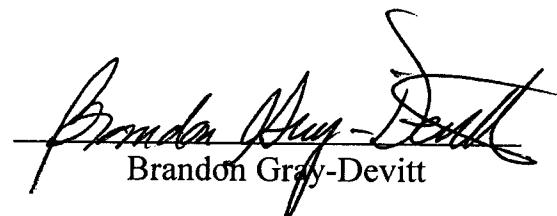
**NOTICE OF MOTION, AFFIDAVIT OF DAVID F. BAYNE,  
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT KATHERINE  
CHANG'S MOTION TO DISMISS THE ACTION AND DECLARATION OF EVE  
M. CODDON DATED JANUARY 16, 2008**

**BY MAIL AND ECF FILING**

on

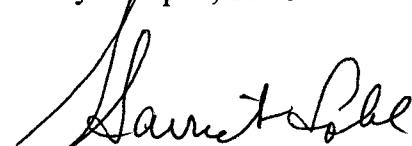
Brian T. Egan, Esq., Egan & Golden, LLP, 475 East Main Street, Suite 114, Patchogue, NY  
11772, Attorneys for Plaintiffs

by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an  
official depository under the exclusive care and custody of the United States Postal Service  
within the State of New York.



Brandon Gray-Devitt

Sworn to before me this  
9th day of April, 2008



\_\_\_\_\_  
Notary Public

HARRIET LOBL  
Notary Public, State of New York  
No. 01L07578060  
Qualified in New York County  
Commission Expires January 31, 2011